



BUREAU OF LAND MANAGEMENT
Eastern States Office
20 M Street SE, Suite 950
Washington D.C. 20003



**DECISION RECORD
FOR BLM EASTERN STATES
DECEMBER 2017 COMPETITIVE OIL AND GAS LEASE SALE
Environmental Assessment
DOI-BLM-ES-020-2017-09-EA**

INTRODUCTION

The Bureau of Land Management (BLM) proposes to lease, for potential oil and gas development, a total of 834.7 acres (2 parcels) of federal mineral estate within the Kisatchie National Forest located in Natchitoches and Winn Parishes, Louisiana. The parcels consist of Expression of Interest (EOI) 1813, and would be a part of the December 2017 BLM Eastern States Competitive Oil and Gas Lease Sale. For these parcels, the U.S. Forest Service is the surface management agency and the BLM administers the federal mineral estate. In such instances, both agencies share responsibility for enforcing mineral leasing policies and regulations. The U.S. Forest Service gave consent to the BLM to lease the 834.7 acres, with appropriate U.S. Forest Service stipulations for the protection of surface resources.

A federal oil and gas lease is a legal contract that grants exclusive rights to the lessee to develop federally-owned oil and gas resources, but does not authorize surface-disturbing activities or obligate the lessee to drill a well on a parcel in the future. Interested parties, such as private individuals or companies, may file EOIs to nominate parcels for competitive bid and leasing by the BLM. If the parcels are leased and the lessee identifies a detailed plan for oil and gas development for the parcels in the future, an Application for Permit to Drill (APD) would have to be submitted by the lessee. During this process, the BLM would conduct future site-specific environmental analysis and any additional consultations in coordination with the U.S. Forest Service, prior to authorizing any ground disturbing activities.

For the Proposed Action, the BLM completed a draft Environmental Assessment (EA) (ES-020-2017-09) in August 2017 and finalized the document in December 2017. The document analyzed the potential effects of leasing on 834.7 acres of federal minerals in Natchitoches and Winn Parishes, Louisiana within the Kisatchie National Forest. The BLM also completed a Finding of No Significant Impact (FONSI) and Decision Record for the EA. These documents provide the required documentation under the National Environmental Policy Act (NEPA), to facilitate the orderly exploration, development, and production of mineral and energy resources, on the proposed acreage, in a manner that avoids or minimizes adverse effects to the natural and human environment.

DECISION

As a result of the analysis presented in the EA (ES-020-2017-09), it is my decision to authorize offering for lease 2 parcels (834.7 acres) for the December 2017 Competitive Oil and Gas Lease Sale. The Proposed Action coupled with lease stipulations, best management practices, and lease notices detailed in the EA and identified in the December 2017 Competitive Oil and Gas Lease Sale Notice demonstrate that all practicable means to avoid or minimize environmental harm have been adopted. As a result, the Proposed Action would not result in unnecessary or undue degradation of public lands and resources. The leasing EA analyzed a no action alternative, in which leases would not be issued; however, this alternative was not selected for the December 2017 Competitive Oil and Gas Lease Sale because it does not meet the purpose and need for the Proposed Action.

The BLM will issue competitive leases for parcels sold at the sale, and non-competitive leases may be issued for applications filed for two years after the sale for the unsold parcels.

AUTHORITIES

The authority for this decision is contained in the Mineral Leasing Act of 1920, as amended; the Mineral Leasing Act for Acquired Lands of 1947, as amended; the Federal Land Policy and Management Act (FLPMA) of 1976; and the Energy Policy Act of 2005.

TERMS/CONDITIONS/STIPULATIONS

Standard terms and conditions, as well as the lease notices and stipulations, identified within the Sale Notice, would apply and be attached to the lease parcels.

Additionally, any purchaser of a Federal oil and gas lease is required to comply with all applicable Federal, State, and local laws and regulations including obtaining all necessary permits required prior to the commencement of project activities, including but not limited to the following:

- National Environmental Policy Act (1969) and the associated Council on Environmental Quality regulations at 40 CFR Parts 1500-1508
- FLPMA (1976) as amended and the associated regulations at 43 CFR Part 1600
- Mineral Leasing Act (1920) as amended and the regulations at 43 CFR Part 3100
- Clean Water Act (1977)
- Clean Air Act (1970) as amended
- National Historic Preservation Act (NHPA) (1966) as amended and the associated regulations at 36 CFR Part 800
- Endangered Species Act (ESA) (1973) as amended
- Migratory Bird Treaty Act (1918)
- Resource Conservation and Recovery Act (RCRA) (1976) as amended
- Executive Order 11988- Floodplain Management
- Executive Order 119900 – Protection of Wetlands

- Executive Order 12898 – Environmental Justice in Minority Populations and Low-Income Populations
- Oil and Gas Leasing Reform – Land Use Planning and Lease Parcel Reviews (BLM-WO-IM 2010-117)
- State and Local Laws and regulations

PLAN CONFORMANCE AND CONSISTENCY

The Kisatchie National Forest Land and Resource Management Plan (KNF LRMP), as amended identifies approximately 591,000 acres available for oil and gas leasing. Of the available acreage, approximately 25,000 acres are subject to a No Surface Occupancy (NSO) stipulation and approximately 202,000 acres are subject to a Controlled Surface Use (CSU) stipulation (CSU1 or CSU2). All of the land within the parcels proposed for the December 2017 BLM Eastern States Competitive Oil and Gas Lease Sale is in conformance with the KNF LRMP. The KNF LRMP and associated documents are located online at this website: <https://www.fs.usda.gov/detail/kisatchie/landmanagement/planning/?cid=STELPRDB5391441>

The Proposed Action to offer the parcels for lease does not conflict with any known state or local planning or zoning law, regulation, policy or ordinance.

PUBLIC INVOLVEMENT

Scoping and Public Comment on the Draft EAs

The BLM created a project website for the December 2017 lease sale that is accessible through the BLM ePlanning website (<https://go.usa.gov/xnXjK>), and provides links to documents, opportunities for public involvement, EOI information, and links to additional project information. Also, in conformance with BLM policy, the Draft EA and unsigned FONSI were posted for a 30-day public comment period from August 7, 2017- September 6, 2017. However, the BLM did not receive any comments.

Protests (December 2017 Lease Sale)

The competitive lease sale notice was posted on the BLM National NEPA Register ePlanning site on September 13, 2017 (<https://go.usa.gov/xnXjK>). This initiated a 30-day protest period of the parcels proposed for the December 2017 lease sale. The BLM received no protests on these parcels. As a result, none of the parcels offered for oil and gas leasing in Louisiana at the lease sale are subject to an unresolved protest.

CONSULTATIONS

The BLM conducted and completed the required informal consultation with the U.S. Fish and Wildlife Service (USFWS) in compliance with the ESA Section 7 consultation requirements. The BLM also conducted and completed the required consultation with the Louisiana State Historic Preservation Office (SHPO) and Native American tribes. The BLM initiated informal consultation with USFWS on May 31, 2017 and received a concurrence letter on July 12, 2017. Consultation with the SHPO and coordination with the Tribes (listed below) occurred between May 8, 2017 and May 12, 2017. The BLM received a concurrence letter from SHPO on July 13, 2017.

The following tribes were contacted to notify them of the Proposed Action and to request comments or concerns:

- Alabama-Quassarte Tribal Town
- United Keetoowah Band of Cherokee Indians in Oklahoma
- Eastern Shawnee Tribe
- Shawnee Tribe
- Absentee Shawnee Tribe
- Eastern Band of Cherokee
- Osage Nation
- Muscogee (Creek) Nation of Oklahoma
- Cherokee Nation of Oklahoma
- Seminole Nation of Oklahoma
- Quapaw Tribe of Oklahoma
- Tunica-Biloxi Tribe
- Thlopthlocco Tribal Town

The BLM received responses from the Choctaw Nation of Oklahoma on June 12, 2017 and from the Osage Nation on June 29, 2017. Neither Tribe identified any potential concerns with leasing on the 834.7 acres. The Choctaw Nation of Oklahoma requested that work be stopped if Native American artifacts or human remains are discovered.

RATIONALE FOR DECISION

The decision to authorize the recommended alternative is based on the following:

- Consistency with the resource management plan and the land use plan - the decision does not conflict with any known state or local planning or zoning law, regulation, policy or ordinance. The Proposed Action is in conformance with the KNF LRMP and the BLM has received consent from the U.S. Forest Service to lease the 834.7 acres.
- National Policy & Purpose and Need – The Proposed Action meets the BLM’s purpose and need for action, which is to support the development of oil and natural gas resources that are essential to meeting the nation’s future needs for energy while minimizing adverse effects to natural and cultural resources. The BLM and U.S. Forest Service minimize adverse effects to resources by identifying appropriate lease stipulations and notices, best management practices, and mitigations. It is the policy of the BLM as mandated by various laws, including the Mineral Leasing Act of 1920, as amended (30 United States Code [USC] 181 et seq.), the Federal Land Policy and Management Act of 1976 (FLPMA), and the Energy Policy Act of 2005 to make mineral resources available for development to meet national, regional, and local needs. The oil and gas leasing program managed by the BLM encourages the sustainable development of domestic oil and gas reserves which reduces the dependence of the United States on foreign sources of energy as part of its multiple-use and sustainable yield mandate.
- Agency statutory requirements - the decision is consistent with all required federal, state, tribal, and county regulations and policies required for the implementation of the Proposed Action.
- Relevant resource issues and finding of no significant impact - as described in the EA, there would be no direct impacts associated with leasing. There is the potential for minor adverse indirect impacts to resources as a result of potential future oil and gas development;

however, none of the impacts were identified as significant and therefore, a finding of no significant impact (FONSI) was prepared. Therefore, an environmental impact statement (EIS) is not required. The BLM, in coordination with the U.S. Forest Service, would conduct additional site-specific NEPA documentation at the Application for Permit to Drill (APD) stage, should future development occur. All required consultations under the ESA and NHPA, for the action of leasing, are complete.

- Application of measures to minimize environmental impacts - standard terms and conditions, as well as stipulations identified in the EA would apply, as required by 43 CFR 3131.3.

APPEALS PROCEDURES

In accordance with 43 CFR 4.411 and 4.413, any person whose interest is adversely affected by a final decision of the authorized officer may appeal the decision to the Interior Board of Land Appeals (IBLA). The appeal must be filed within 30 days after the date the proposed decision becomes final or 30 days after receipt of the final decision. In accordance with 43 CFR 4.411 and 4.412, the appeal shall state clearly and concisely the reason(s) why the appellant thinks the final decision of the authorized officer is wrong.

Pursuant to 43 CFR 4.21(b) and 4.413(a), an appellant also may petition for a stay of the final decision pending appeal by filing a petition for stay along with the appeal within 30 days after the date the proposed decision becomes final or 30 days after receipt of the final decision. At this time, the BLM will not accept protests or appeals sent by electronic mail. Within 15 days of filing the appeal and any petition for stay, the appellant also must serve a copy of the appeal, and any petition for stay, on any person named in the decision and listed at the end of the decision, and on to the appropriate Office of the Solicitor.

STANDARDS FOR OBTAINING A STAY

Pursuant to 43 CFR 4.21(b) (1), a petition for stay, if filed, must show sufficient justification based on the following standards:

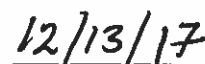
- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and,
- (4) Whether the public interest favors granting the stay.

Authorized Officer:



Mitchell Leverette

Acting State Director, BLM Eastern States


Date